

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD SEPTEMBER 8, 2005 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman;
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;
Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County
Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

VDOT PROJECT STATUS UPDATE

David Cubbage, representing the Virginia Department of Transportation, briefed the Board of Supervisors on the status of current and future projects.

**A CLOSED SESSION TO DISCUSS POTENTIAL ACQUISITION AND DISPOSITION
OF REAL PROPERTY**

Mr. Graham moved to go into a closed meeting, pursuant to §2.2-3711(A)(3) of the Code of Virginia, for discussion or consideration of condition, acquisition or use of real property for public purposes, to wit, a potential site for a third high school, and for consultation with legal counsel pertaining to same. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G.
Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

Upon reconvening from the closed meeting, Mr. Graham moved to adopt the following certification. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G.
Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 8th day of September 2005, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

DEBT REFERENDUM POLICY

Bryan Tippie, Budget Director, reviewed a proposed revision to the County's Debt Referendum Policy, which would adjust the referendum threshold to allow for the construction of middle schools without having to conduct a referendum.

TEXT AMENDMENT TO CHAPTER 6 -WARRENTON SERVICE DISTRICT PLAN

Rick Carr, Director of Community Development, reviewed a text amendment to the Warrenton Service District Plan that includes proposed changes to land use designations, service district boundaries, mapped clarification of the limits of public sewer and water service, as well as more detailed recommendations regarding the transportation network and access. Warrenton Town Council members David Norden and John Albertella were invited to participate in the discussion with Board members.

A WORK SESSION TO DISCUSS THE CONTRACT WITH THE VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES FOR MAINTENANCE AND OPERATION OF CONCESSIONS AT LAKE BRITTLE

Larry Miller, Director of the Parks and Recreation Department, reviewed the current Concession Contract with the Virginia Department of Game and Inland Fisheries (VDGIF) and discussed construction of a concession/restroom structure at Lake Brittle, the status of the proposed improvements to the existing concession structure, maintenance levels and security of the site, and usage/supervision after hours.

The meeting was reconvened in Regular Session at 6:30 P.M.

ADOPTION OF THE AGENDA

Mr. Atherton moved to adopt the agenda, with the following changes. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

- Add a Proclamation to Recognize the Outstanding Contributions by Mary E. Prince as the First Tourism Coordinator for Fauquier County, Virginia.
- Remove consent agenda item “e”, A Resolution to Amend the Debt Referendum Policy, and add it as regular agenda item #10.
- Add regular agenda item #8, A Resolution Reconsidering a Resolution to Amend the FY 2006 Adopted Budget to Provide an Additional \$3,172,000 for the Renovation of Claude Thompson Elementary School.
- Add regular agenda item #9, A Resolution to Commit \$25,000 in Relief Funding for Hurricane Katrina Victims in Response to a Challenge from Brunswick County, Virginia.
- Add new consent agenda item “e”, A Resolution to Initiate a Comprehensive Plan Amendment to Consider the Addition to the Opal Service District.
- Add regular agenda item #11, A Resolution to Authorize the Execution of a Contingent Contract for the Purchase of Property Owned by the Estate of Mabel V. Lunceford, Parcel # 7914-79-2156.
- Renumber subsequent agenda items appropriately.

CITIZENS' TIME

No one spoke.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Graham presented to Jeffrie Morrow, A Proclamation to Recognize the Heroism of Jeffrie Morrow.
- Mr. Graham presented to William Hines, A Proclamation to Recognize the Heroism of William Hines.
- Delegate Scott Lingamfelter presented General Assembly Joint Senate and House of Delegates Resolutions to:
 - The Family of Bronwyn Lambelet to Honor her Memory
 - The Family of Eugene Lofdahl to Honor his Memory
 - Maddell Day as Citizen of the Year for Cedar Run District in 2004
 - Tom Harris as Citizen of the Year for Center District in 2004
 - Lee Bell as Citizen of the Year for Scott District in 2004
 - Wilbur Heflin as Citizen of the Year for Lee District in 2004

- Yak Lubowsky as Citizen of the Year for Center District in 2004
 - G. Robert Lee Upon the Occasion of his Retirement after 30 Years of Public Service to the Commonwealth of Virginia
 - G. Robert Lee as Citizen of the Year for Marshall District in 2004
 - Virginia Community Criminal Justice Association on the Occasion of Its 10th Anniversary
- Mr. Robison presented to Tom Reese, Chairman of the Disability Services Board, A Proclamation to Declare October 2005 as Disability Employment Awareness Month in Fauquier County.
 - Mr. Atherton presented to Patricia Salmon, A Proclamation to Recognize the Contribution of Christopher Bur Salmon to the Citizens of Fauquier County.
 - Mr. Graham presented to Mary Prince, A Proclamation to Recognize the Outstanding Contributions by Mary E. Prince as the First Tourism Coordinator for Fauquier County, Virginia.

CONSENT AGENDA

Mr. Downey moved to adopt the following consent agenda items. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes for the August 11, 2005 Regular Meeting and August 17, 2005 Adjourned Meeting of the Fauquier County Board of Supervisors

A Resolution to Approve the Assignment and Change of Control of the Fauquier County Cable Franchise to a Subsidiary of Comcast Corporation

RESOLUTION

A RESOLUTION TO APPROVE THE ASSIGNMENT AND CHANGE OF CONTROL OF THE FAUQUIER COUNTY CABLE FRANCHISE TO A SUBSIDIARY OF COMCAST CORPORATION

WHEREAS, a cable television franchise has been granted by the County of Fauquier, Virginia (“the County”) to an entity (“Franchisee”) that is an indirect subsidiary of Adelphia Communications Corporation (“Adelphia”); and

WHEREAS, Adelphia is currently in Chapter 11 bankruptcy proceedings; and

WHEREAS, pursuant to an Asset Purchase Agreement dated April 20, 2005, between Adelphia and Time Warner NY Cable LLC (“TWNY”), the right to purchase the Franchisee cable system will be assigned by TWNY to a wholly owned subsidiary of TWNY, Cable Holdco Exchange V LLC, which will purchase the cable system and franchise (the “Adelphia Transaction”); and

WHEREAS, pursuant to an Exchange Agreement dated April 20, 2005 between Time Warner Cable Inc., and Comcast Corporation (“Comcast”), 100 percent of the equity securities in the Comcast subsidiary C-Native Exchange III, L.P. will be exchanged for 100 percent of the equity securities of Cable Holdco Exchange V LLC, whereby that entity will become a 100 percent indirect subsidiary of Comcast (the “Exchange Transaction”); and

WHEREAS, the County declines to purchase the cable system pursuant to Fauquier County Code Section 6-5; and

WHEREAS, the County has received an FCC Form 394 and related information for the aforementioned transactions; and

WHEREAS, pursuant to FCC Form 394 Exhibit 2, Comcast does not plan to change the current terms and conditions of service or operations of the cable system and will operate and make any future changes subject the terms of the current franchise agreement with Adelphia and all applicable laws; and

WHEREAS, the County must approve the aforementioned transactions pursuant to Fauquier County Code Sections 6-18 and 6-5; and

WHEREAS, the County is willing to consent to the aforementioned transactions; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of September 2005, That the foregoing recitals are approved and incorporated herein by reference; and, be it

RESOLVED FURTHER, That the County declines to purchase the cable system; and, be it

RESOLVED FURTHER, That the County consents to the Adelphia Transaction described herein; and, be it

RESOLVED FURTHER, That the County consents to the Exchange Transaction described herein; and, be it

RESOLVED FURTHER, that this resolution shall be deemed effective upon adoption; and, be it

RESOLVED FINALLY, That this resolution shall have the force of a continuing agreement with the Franchisee, and the County shall not amend or otherwise alter this resolution without the consent of the Franchisee.

A Resolution to the Virginia Board of Historic Resources and the National Park Service Supporting the Inclusion of Casanova on the Virginia Landmarks and National Registers

RESOLUTION

A RESOLUTION TO THE VIRGINIA BOARD OF HISTORIC RESOURCES AND THE NATIONAL PARK SERVICE SUPPORTING THE INCLUSION OF CASANOVA ON THE VIRGINIA LANDMARKS AND NATIONAL REGISTERS

WHEREAS, Casanova was first developed after the arrival of the railroad in 1852; and

WHEREAS, 16 properties and 32 resources of the late 19th century and early 20th century contribute to the historic character of the Casanova Historic District; and

WHEREAS, the majority of resources in the district are dwellings, ranging in date from 1880 to 1910; and

WHEREAS, the historic resources capture the essence of the community much as it appeared in the early 20th century and help tell the story of its development as a rural crossroads community that grew around the intersection with the railroad; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of September 2005, That the Board hereby supports and encourages the Virginia Board of Historic Resources to include the Casanova Historic District, located in the Cedar Run Magisterial District, in the Virginia Landmarks Register; and, be it

RESOLVED FURTHER, That the Virginia Board of Historic Resources recommend to the National Park Service, due to the established and unique history and National significance of Casanova, that this community be enrolled in the National Register of Historic Places.

A Resolution to the Virginia Board of Historic Resources and the National Park Service Supporting the Inclusion of Markham on the Virginia Landmarks and National Registers

RESOLUTION

A RESOLUTION TO THE VIRGINIA BOARD OF HISTORIC RESOURCES AND THE NATIONAL PARK SERVICE SUPPORTING THE INCLUSION OF MARKHAM ON THE VIRGINIA LANDMARKS AND NATIONAL REGISTERS

WHEREAS, Markham became a railroad town in 1852 for the Manassas Gap Railroad, and an established crossroads community; and

WHEREAS, 24 properties and 48 structures in the Markham Historic District illustrate the community's development over a period of time since the early 19th century; and

WHEREAS, the building and associated resources that make up the Markham Historic District represent a community from the early 19th to the mid-20th centuries and maintains a remarkable degree of architectural integrity located between Interstate 66 and US Route 55; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of September 2005, That the Board hereby supports and encourages the Virginia Board of Historic Resources to include the Markham Historic District, located in the Marshall Magisterial District, in the Virginia Landmarks Register; and, be it

RESOLVED FURTHER, That the Virginia Board of Historic Resources recommend to the National Park Service, due to the established and unique history and National significance of Markham, that this community be enrolled in the National Register of Historic Places.

A Resolution to Initiate a Comprehensive Plan Amendment to Consider the Addition to the Opal Service District

RESOLUTION

A RESOLUTION TO INITIATE A COMPREHENSIVE PLAN AMENDMENT TO
CONSIDER THE ADDITION TO THE OPAL SERVICE DISTRICT

WHEREAS, Shenandoah Development, LLC (applicant) initiated a rezoning request to rezone approximately 165.0 acres from Residential (R-1) conditional to Residential R-1 and R-2 with proffers to allow for: 1) a clustered residential subdivision with an affordable housing component; 2) two conventional lots; and 3) one non-common open space parcel; and

WHEREAS, the applicants filed an application to amend the Fauquier County Zoning Ordinance in accordance with the provisions of Article 13-202; and

WHEREAS, the Board of Supervisors held a series of public hearings regarding the rezoning request; and

WHEREAS, the Board of Supervisors voted to adopt the Ordinance approving the proffered rezoning, which included an affordable housing component of fifteen (15) units; and

WHEREAS, after holding its public hearing, the Board of Supervisors, recommended initiation of a Comprehensive Plan Amendment to add a portion of PIN # 6981-27-6354-000 to the Opal Service District to allow for public water and sewer connections to a portion of the development, now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of September 2005, That a Comprehensive Plan Amendment be initiated to add approximately 22.15 acres

owned by Seeley Brookfield, LLC, more particularly described as a portion of PIN #6981-27-6354-000 to the Opal Service District with a designation of Low Density Residential.

A RESOLUTION ADOPTING THE TEXT AMENDMENT TO CHAPTER 6 – WARRENTON SERVICE DISTRICT PLAN

Mr. Robison moved to postpone action on the Warrenton Service District Plan in its entirety, and to remove any reference associated with Timber Fence Parkway and the proposed collector road connecting Route 211 and Route 17. Mr. Atherton seconded and following discussion, the vote for the motion was 3 to 2 as follows:

Ayes: Mr. Harry F. Atherton; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: Mr. William G. Downey; Mr. Raymond E. Graham
Absent During Vote: None
Abstention: None

A RESOLUTION RECONSIDERING A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET TO PROVIDE AN ADDITIONAL \$3,172,000 FOR THE RENOVATION OF CLAUDE THOMPSON ELEMENTARY SCHOOL

Mr. Robison moved to reconsider a resolution adopted by the Board of Supervisors on August 11, 2005, to amend the FY 2006 adopted budget to provide an additional \$3,172,000 for the renovation of Claude Thompson Elementary School. Mr. Atherton seconded and, following discussion, the vote for the motion was 1 to 4 as follows:

Ayes: Mr. Richard W. Robison
Nays: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling
Absent During Vote: None
Abstention: None

A RESOLUTION TO COMMIT \$25,000 IN RELIEF FUNDING FOR HURRICANE KATRINA VICTIMS IN RESPONSE TO A CHALLENGE FROM BRUNSWICK COUNTY, VIRGINIA

Following discussion, Mr. Graham moved to adopt a resolution to commit \$25,000 in relief funding for Hurricane Katrina victims in response to a challenge from Brunswick County, Virginia. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: None
Nays: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Absent During Vote: None
Abstention: None

A RESOLUTION TO AMEND THE DEBT REFERENDUM POLICY

Mr. Graham moved to postpone consideration of a resolution to amend the Debt Referendum Policy. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A CONTINGENT CONTRACT FOR THE PURCHASE OF PROPERTY OWNED BY THE ESTATE OF MABEL V. LUNCEFORD, PARCEL #7914-79-2156

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A CONTINGENT CONTRACT FOR THE PURCHASE OF PROPERTY OWNED BY THE ESTATE OF MABEL V. LUNCEFORD, PARCEL #7914-79-2156

WHEREAS, Fauquier County has contacted the executor of the estate of Mabel V. Lunceford to discuss the potential purchase of parcel #7914-79-2156 for the third high school site; and

WHEREAS, the executor has offered to sell the proposed site for \$2.5 million, subject to a requirement that the County place with the executor a non-refundable deposit of \$100,000; and

WHEREAS, the Board of Supervisors has determined that it is in the best interest of the County to enter into a contract to purchase the parcel as the site for the third high school and to assign the contract for the purchase to the School Division; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of September 2005, That the County Administrator be, and is hereby, authorized to execute a contract to purchase the above-referenced parcel for \$2.5 million in a form approved by the County

Attorney and acceptable to the County Administrator, and to cause the requested deposit to be paid to the executor.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Disability Services Board – Government Representative / Town of The Plains: Joyce Pearson, appointed for a three-year term ending September 7, 2008.
- Parks and Recreation Board – Cedar Run District: Carl Bailey, reappointed for a four-year term ending September 30, 2009.
- Parks and Recreation Board – Center District: Tom Harris, reappointed for a four-year term ending September 30, 2009.

SUPERVISORS' TIME

- Mr. Robison encouraged citizens to attend the annual Fauquier County Farm Tour on September 17, 2005. Mr. Robison invited citizens to attend the Disability Awareness Fair on October 22, 2005. Mr. Robison also reminded citizens that September 26, 2005 has been designated as Family Day in Fauquier County, and he encouraged everyone to spend time with their family at the dinner table.
- Mr. Stribling invited citizens to attend the Goldvein Goldmine Jubilee on September 17, 2005. Mr. Stribling announced that Fauquier County will host the quarterly regional meeting of the Virginia Municipal Clerks Association on September 21, 2005.
- Mr. Downey thanked Delegate Scott Lingamfelter for presenting the General Assembly Joint Senate and House of Delegates Resolutions earlier in the evening; particularly for the posthumous presentations made to the families of Eugene Lofdahl and Bronwyn Lambelet, and that it is fitting to celebrate their lives and accomplishments and acknowledge their service.
- Mr. Atherton noted that as a side effect of Hurricane Katrina, a tornado was spawned that did considerable destruction in the Village of Ada, and although there was no injury or loss of life, he urged the community to do all it can do to help the community recover from the property damage.
- Mr. Graham invited the public to the Warrenton-Fauquier Airport on September 10, 2005, to attend the dedication ceremonies for the new runway, followed by an Open House. Mr. Graham invited the community to participate in a charity Golf Tournament to be held on September 9, 2005 at Kastle Greens Golf Club, to benefit research on multiple sclerosis, and to assist with medical expenses of Theresa Allison who will be undergoing experimental treatments in Chicago. Mr. Graham announced that a second charity Golf Tournament will be held on September 16, 2005 at Kastle Greens Golf Club, as a fundraiser for the Fauquier County Working Together Committee, which will use proceeds to support local individuals in need and charitable causes within the community.

ANNOUNCEMENTS

- Mr. McCulla announced that on September 23, 2005 at 10:00 AM, members of the Board of Supervisors are scheduled to attend the ground breaking ceremony at the Northern Sports Field Complex in Marshall, Virginia.
- Mr. McCulla announced that the next regular Board meeting will be held on October 13, 2005 at 6:30 PM in the Warren Green Building located at 10 Hotel Street in Warrenton, Virginia.

REZONING #REZN05-CR-004 - SEELEY BROOKFIELD, LLC, OWNER AND SHENANDOAH DEVELOPMENT, LLC, APPLICANT – GREEN SPRINGS

A public hearing was continued from July 14, 2005, to consider an application to rezone approximately 165.6 acres from Residential-1 (R-1) to Residential-1 (R-1) and Residential-2 (R-2) to allow for a residential subdivision. The property is located on the east side of Routes 29/15/17 and southeast of Avenel Drive, Cedar Run District. (PIN #6981-27-6354-000 and 6981-44-4079-000). Rick Carr, Director of Community Development, summarized the proposed application and recommended continuing the public hearing and postponing action in order to allow for further refinements. Robert Oliveri, Cedar Run District, requested that a consideration be given to installing a traffic signal and making improvements to Clarke's Road. No one else spoke. Mr. Graham moved to postpone action on this item and continue the public hearing until the next regularly scheduled meeting on October 13, 2005. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

REZONING #RZ00-S-03 - JEFFREY D. AND MARY E. LIPPINCOTT, OWNERS

A public hearing was held to consider an application to rezone four acres from Residential-1 (R-1) to Commercial-1 (C-1) to allow for a New Baltimore post office facility. The property is located at the intersection of Broad Run Church Road (Route 600) and Riley Road (Route 676), Scott District. (PIN #7916-10-1466-000). Rick Carr, Director of Community Development, summarized the proposed rezoning application, and recommended action be postponed for thirty days to allow the applicant to refine the application and the proffer statement. Jeff Lippincott, Scott District, requested that the Board postpone action and consider adding a condition that the rezoning will not become effective until the Post Office actually acquires the property. No one else spoke. The public hearing was closed. Mr. Downey moved to table the matter until the Post Office makes a commitment. Mr. Robison seconded and, following discussion, the vote for the motion as unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None

Absent During Vote: *None*
Abstention: *None*

**AMENDMENT TO THE FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$117,759
AND FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$7,026,301.64**

A public hearing was held to consider various budget related issues in the amount of \$117,759 in appropriations for FY 2005, and \$5,766,365.64 in appropriations and \$1,259,936 in transfers for FY 2006 that have been identified for consideration. Bryan Tippie, Budget Director, summarized the proposed amendments. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE
FY 2005 ADOPTED BUDGET IN THE AMOUNT OF \$117,759 AND THE FY 2006
ADOPTED BUDGET IN THE AMOUNT OF \$7,026,301.64

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 29, 2004, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2005 Budget and on March 31, 2005, adopted the Fauquier County FY 2006 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its August meeting, the Finance Committee recommended FY 2005 budget adjustments of \$117,759 and FY 2006 budget adjustments of \$7,026,301.64 for the purposes set forth below; and

WHEREAS, on September 8, 2005, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of September 2005, That the FY 2005 Budget be, and is hereby, amended in the amount of \$117,759 and that the FY 2006 Budget be, and is hereby, amended in the amount of \$7,026,301.64 as follows:

<i>Source</i>	FROM Code	Amount	Department	TO Code	<i>Amount</i>
<u>FY 2005</u>					
State Funds	3-100-244100-0145	\$127	Commonwealth Attorney's Office	4-100-22110-9999	\$127
Contingency Reserve	4-100-091400-9999	\$17,500	F&RA	4-302-091400-0100	\$17,500
Federal Funds	3-100-331000-0056	\$18,303	Sheriff's Office	4-100-031200-1201 4-100-031200-6047	\$14,205 \$4,098
State Funds	3-100-244100-0160	\$13,340	Sheriff's Office	4-100-031200-8201	\$13,340
<u>Detention Center Revenue</u>	3-100-160500-0001 3-100-160500-0002	\$6,732 \$996	Detention Center	4-100-033200-6047	\$7,728
Federal Funds	3-100-331000-0171	\$1,733	Sheriff's Office	4-100-031200-6011	\$1,733
Contingency Reserve	4-100-091400-9999	\$9,554	Budget Office	4-302-094402-8215	\$9,554
Federal Funds	3-100-331000-0023	\$49,474	Sheriff's Office	4-100-031200-8201	\$49,474
<u>FY 2006</u>					
Carryover	3-100-419000-0010	\$66,218	Sheriff's Office	4-100-033200-6047	\$66,218
Carryover	3-100-419000-0010	\$49,397.64	Sheriff's Office	4-100-031240-8201 4-100-031230-8201	\$16,107.87 \$33,289.77
Carryover	3-100-419000-0010	\$8,853	Commonwealth Attorney's Office	4-100-022110-9999	\$8,853
Carryover	3-100-419000-0010	\$1,151	F&ES	4-100-032420-3311	\$1,151
Carryover	3-100-419000-0010	\$15,000	F&ES	4-100-032420-8101	\$15,000
Carryover	3-100-419000-0010	\$4,746	Risk Management	4-100-012727-6047	\$4,746
State Funds Lease Holder Funds	3-504-244740-0020 3-504-189900-0050	\$648,000 \$162,000	Airport	4-504-081746-3160	\$810,000
State Funds Federal Funds Airport Revenue	3-504-244740-0020 3-504-338000-0030 3-504-189900-0050	\$24,330 \$770,450 \$16,220	Airport	4-504-081732-8220	\$811,000
Local Donation	3-302-165000-0020	\$4,000,000	Northern Sports Complex	4-302-71141-8501	\$4,000,000
General Fund – (Transfer)	4-100-011010-1101 4-100-012110-1101 4-100-012210-1101	\$2,667 \$8,126 \$6,373	Non-Department Salary Reserve	4-100-091400-9601	\$218,138

	4-100-012310-1101	\$7,518			
	4-100-012410-1101	\$6,077			
	4-100-012511-1101	\$8,075			
	4-100-012600-1101	\$3,626			
	4-100-012721-1101	\$2,436			
	4-100-012722-1101	\$8,557			
	4-100-012723-1101	\$3,887			
	4-100-012727-1101	\$981			
	4-100-012900-1101	\$3,520			
	4-100-013200-1101	\$1,830			
	4-100-021600-1101	\$11,913			
	4-100-022100-1101	\$11,131			
	4-100-031200-1101	\$48,153			
	4-100-032420-1101	\$12,757			
	4-100-043410-1101	\$2,667			
	4-100-043412-1101	\$11,769			
	4-100-043413-1101	\$3,697			
	4-100-043418-1101	\$2,424			
	4-100-053110-1101	\$14,856			
	4-100-053500-1101	\$2,186			
	4-100-053510-1101	\$629			
	4-100-071110-1101	\$899			
	4-100-071120-1101	\$1,151			
	4-100-071130-1101	\$1,576			
	4-100-071140-1101	\$3,705			
	4-100-071150-1101	\$593			
	4-100-073100-1101	\$7,371			
	4-100-081200-1101	\$16,988			
Non- Departmental Salary Reserve (Transfer)	4-100-091400-9601	\$982,298	General Fund Departments	See Attached	982,298
Contingency Reserve (Transfer)	4-100-091400-9999	\$5,000	Contributions	4-100-081600-5651	\$5,000
General Fund (Transfer)	4-100-033400-5694	\$54,500	Commonwealth Attorney	4-100-012210-5694	\$54,500
TOTAL		\$7,144,060.64			\$7,144,060.64

SOIL TESTING POLICY FOR FAUQUIER COUNTY

A public hearing was held to consider establishing an expansive soil testing policy for Fauquier County, in compliance with the Virginia Uniform Statewide Building Code. James Sawyer, County Soil Scientist, summarized the proposed policy, and recommended postponement of the matter to allow further refinements to the policy. No one else spoke. The public hearing was closed. Mr. Graham moved to postpone action on the matter until a work session can be held at the next available meeting. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: **Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling**
Nays: **None**
Absent During Vote: **None**
Abstention: **None**

PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES – SIGNS

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 8-1401 to permit additional identification signs in Conservation, Agriculture, Village, Residential and Mobile Home Zones. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: **Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling**
Nays: **None**
Absent During Vote: **None**
Abstention: **None**

ORDINANCE

**A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 8-1401 TO PERMIT
ADDITIONAL IDENTIFICATION SIGNS IN CONSERVATION, AGRICULTURE,
VILLAGE, RESIDENTIAL, AND MOBILE HOME ZONES**

WHEREAS, on July 28, 2005, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on September 8, 2005, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of September 2005, That Section 8-1401 of the Fauquier County Zoning Ordinance be amended as follows:

Only the following signs shall be permitted in Conservation, Agriculture, Village, Residential and Mobile Home Zones:

1. [Same]
2. [Same]
3. Identification Signs: **Signage** ~~One sign~~, not exceeding thirty two (32) square feet in area, for the purpose of showing the name and use of **any lawful, non residential use within these districts for which other signage standards are not specifically set forth, including** ~~convent, monastery, seminary, country club, sanitarium, cemetery, children's home, orphanage, fraternal organization, hospital (or other similar establishments), when such is permitted on the subject property and such sign~~ **signage** is erected or displayed on the property as identified. **Home occupations are not such uses qualifying under this subsection.** One sign not exceeding two (2) square feet in area shall be permitted for each single family home. Height is not to exceed ten (10) feet.

PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES – SPECIAL PERMITS

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 5-001 to permit the approval of a use normally only permitted by Special Permit to be authorized with a companion Special Exception approval. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-001 TO AUTHORIZE THE BOARD OF SUPERVISORS TO ISSUE SPECIAL PERMITS WHEN THE APPLICANT ALSO NEEDS A SPECIAL EXCEPTION AS PART OF THE SAME PROJECT

WHEREAS, on July 28, 2005, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on September 8, 2005, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of September 2005, That Section 5-001 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

ARTICLE 5

SPECIAL PERMITS AND SPECIAL EXCEPTIONS

PART 5 5-000 GENERAL PROVISIONS

5-001 Purpose and Intent

1. There are certain uses which, by their nature, can have an undue impact upon or be incompatible with other uses of land within a given district. These uses as described may be allowed to locate within certain designated districts under the controls, limitations and regulations of a special permit.
2. The BZA shall issue special permits under the provisions of this Article when it determines that such use will be compatible with the neighborhood in which it is to be located.
3. In addition, there are instances similar to those in which a use may be appropriate under a special permit, including cases in which standards and regulations specified for certain uses allowed within a given district should be allowed to be varied within limitations in the interest of sound development. Such uses as described may be allowed to locate within a given designated district under the provisions of special exceptions.
4. **A.** The Board shall issue special exceptions under the provisions of this Article when it concludes that such action will not be incompatible with existing or planned development in the general area. While the same standards shall be applied in the evaluation of the impact and compatibility of uses proposed under both the special permit and special exception provisions of this Article, the issues involved in special permits under consideration by the BZA involve primarily the immediate neighborhood to be affected. Special exceptions involve issues concerning the neighborhood as well as potential impacts on the general area, the Comprehensive Plan and, in some cases, the County as a whole. (Special exceptions can be granted by the Board. Special permits can be granted by the BZA only.)
4. **B. Notwithstanding anything in the Zoning Ordinance to the contrary, when an applicant must seek a special exception and a special permit for a single project, all of the requirements for the special permit shall be addressed by the Board of Supervisors as part of the special exception process and the applicant shall be exempt from seeking**

separate, additional approval from the Board of Zoning Appeals. Subsequent to issuance, all amendments shall be processed by the Board of Supervisors.

[5 through 6 – same]

PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES – BOUNDARY LINE ADJUSTMENTS

A public hearing was held to consider a Zoning Ordinance Text Amendment to add a new Section 2-308.1 to permit Boundary Line Adjustments between parcels zoned Rural Agriculture or Rural Conservation without a reduction in density. Kevin J. Burke, County Attorney, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO PERMIT BOUNDARY LINE ADJUSTMENTS AND
CONSOLIDATIONS BETWEEN PARCELS ZONED RURAL AGRICULTURE OR RURAL
CONSERVATION WITHOUT A REDUCTION IN DENSITY

WHEREAS, the Fauquier County Zoning Ordinance currently utilizes a “parcel of record” date of May 21, 1981, for the calculation of sliding scale zoning density for parcels in the Rural Agriculture (RA) and Rural Conservation (RC) zones; and

WHEREAS, it has been the consistent interpretation of the Zoning Administrator that parcels which have been increased in size through a boundary line adjustment or parcel consolidation after May 21, 1981, acquire no additional density as a result of the increase in size; and

WHEREAS, on May 12, 2005, the Board of Supervisors forwarded to the Planning Commission a proposed text amendment that would provide a mechanism to permit parcel consolidations and boundary line adjustments employing a density calculation mechanism similar to that used to calculate the proportionate share of density allocated to parcels that have been divided after May 21, 1981; and

WHEREAS, on July 28, 2005, the Fauquier County Planning Commission conducted a public hearing on the proposed text amendment; and

WHEREAS, the Planning Commission voted to recommend the approval of the proposed amendment; and

WHEREAS, on September 8, 2005, the Board of Supervisors held a public hearing on the proposed amendment, and has carefully considered the recommendation of the Planning Commission, staff, and testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of such an amendment; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of September 2005, That the Fauquier County Zoning Ordinance be, and is hereby, amended to add the following section:

2-308.1 Consolidation of Parcels and Boundary Line Adjustments Between Parcels in the RA and RC Zones.

1. This section applies solely to boundary line adjustments between parcels in the Rural Agricultural and Rural Conservation zones which occur after the date of adoption of this section.
2. Consolidations and Boundary line adjustments between two or more parcels shall not result in a total net increase of development density for the affected acreage. Density as used herein refers to the sliding scale density as calculated pursuant to section 2-308 of this ordinance.
3. After a boundary adjustment, the parcel which is increased in size by the boundary line adjustment shall acquire the proportionate share of the density which is attributable to the acreage acquired from the parcel which is decreased in size, rounded down to the nearest whole number. The density of the parcel which is decreased in size shall be reduced by the same amount, again rounded down to the nearest whole number. Where parcels are consolidated in accordance with this ordinance, the total density attributable to the consolidated parcels shall be the sum of the density of each consolidated parcel.
4. Boundary line adjustments which exchange equal amount of acreage and do not increase the size of either parcel shall not affect the density of either parcel.
5. Parcels which have been subdivided in accordance with the cluster subdivision process set forth in section 2-406(3) of this ordinance may be the subject of boundary line adjustments involving the required non-common open space parcel only as follows:
 - a) Minor boundary line adjustments of acreage from the non-common open space parcel into a clustered lot is permissible provided that the

adjustment does not constitute greater than one percent of the non-common open space and the adjustment is to acquire acreage to address a technical issue such as a need to acquire additional drainfield area, a well, or access; *or*

- b) All required open space has been properly deed restricted and an additional amount of open space equal to the acreage reduction of the original open space lot is added to the original open space. The added open space shall be contiguous and useable.

6. Boundary line adjustments to acquire acreage necessary to comply with minimum acreage requirements set forth in other sections of this ordinance are permissible, provided that the parcel from which the property is adjusted is not made non-conforming and provided that all other requirements of this section are met.

7. The plat by which the boundary line adjustment or consolidation is accomplished shall set forth the density of each lot for future tracking purposes.

PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES – SETBACK STANDARDS

A public hearing was held to consider a Zoning Ordinance Text Amendment to Sections 2-512, 6-102 and 6-105 to establish density, housing, maintenance, and setback standards for livestock on parcels smaller than five acres and to permit livestock on lots .9 acres or greater. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendment. Tammy Slaustas, Lee District, requested favorable consideration of the proposed Ordinance. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 2-512, 6-102, AND 6-105 TO ESTABLISH DENSITY, HOUSING, MAINTENANCE, AND SET BACK STANDARDS FOR LIVESTOCK ON PARCELS SMALLER THAN FIVE ACRES, AND TO PERMIT LIVESTOCK ON LOTS .9 ACRES OR GREATER

WHEREAS, on July 28, 2005, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on September 8, 2005, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of September 2005, That Sections 2-512, 6-102, and 6-105 of the Fauquier County Zoning Ordinance be amended as follows:

2-512 Limitation on Keeping of Animals

1. Keeping of livestock, fowl and animals of a wild nature shall not be allowed outdoors on any lot less than two (2) acres in area except as follows:
 - a. Livestock are allowed in RA, RC, RR-2, and V districts. Such livestock shall be limited to one (1) animal unit, or fraction thereof, per two (2) acres of land provided, however, that the vegetative cover is not over grazed or otherwise disturbed so as to cause, or threaten to cause, erosion and provided further that animal waste is properly managed to prevent off site migration of wastes or waste by-products.
 - b. Livestock are allowed in R-1 districts. Such livestock shall be limited to .5 animal unit, or fraction thereof, per two (2) acres of land provided, however, that the vegetative cover is not over grazed or otherwise disturbed so as to cause, or threaten to cause, erosion and provided further that animal waste is properly managed to prevent off site migration of wastes or waste by-products.
 - c. **Livestock are allowed by special permit on all other lots 40,000 square feet or greater but less than five acres. Such livestock shall be limited to .5 animal unit, or fraction thereof, per two acres of land provided, however, that the vegetative cover is not over grazed or otherwise disturbed so as to cause, or threaten to cause, erosion, provided further that animal waste is properly managed to prevent off-site migration of wastes or waste by-products, and subject to such additional conditions and safeguards imposed by the Board of Zoning Appeals.**

- d. Nothing in paragraphs a or b, immediately above, circumvents, overrules, or abolishes restrictions on the keeping of livestock imposed by legal covenants.
2. Except for livestock and dogs as provided in Subsection 3 below, the keeping of animals shall be allowed as an accessory use on any lot provided such animals are for personal use and enjoyment, and not for any commercial purpose, provided further that such animals are confined to the interior of the dwelling or other permitted accessory buildings or otherwise under the direct personal control of the owner.
3. Dogs which are kept as pets not exceeding four (4) in number shall be permitted upon any property if they are confined to the site by chain, pen or other such restraints. Five (5) to twelve (12) dogs may be kept upon the property provided they are penned or restrained so as not to roam nearer than forty (40) feet from any property line and the lot contains two (2) or more acres. Dogs less than six (6) months of age shall not be counted.
4. **The keeping of livestock on lots larger than two acres but smaller than five acres is allowed provided, however, that the vegetative cover is not over grazed or otherwise disturbed so as to cause, or threaten to cause, erosion and provided further that animal waste is properly managed to prevent off-site migration of wastes or waste by-products. If the parcel contains less than one animal unit per two acres, houses, sheds, and other similar structures for the housing of livestock are permitted as allowed under the second clause of Section 6-102.2 and as further regulated under Section 6-105.7. Parcels containing more than one animal unit per two acres are limited to housing animals in barns and subject to the standards set forth in Section 6-105.6.**

6-102 Permitted Accessory Uses

Accessory uses and structures shall include, but are not limited to, the following uses and structures, provided that such uses or structure shall be in accordance with the definition of Accessory Use contained in Article 15.

1. Antenna structures
2. Barns and any other structures that are customarily incidental to an agricultural use on a tract of land not less than two (2) acres; houses, sheds, pens and other similar structures for the housing of livestock when such animals are permitted on ~~two~~ **five** acres or less.

[3 through 29 - Same]

Location Regulations

1. If an accessory-type building is attached to a principal building by any wall or roof construction, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this Ordinance applicable to a principal building.
2. Off-street parking and loading spaces shall be located in accordance with the provisions of Article 7.
3. Signs shall be located in accordance with the provisions of Article 8.
4. Wayside stands shall be located in accordance with the provisions of Paragraph 23 of Section 102 above.
5. Ponds shall be located in accordance with the provisions of Paragraph 24 of Section 102 above.
6. Barns shall not be located less than 100 feet from any property line, except if located on a property zoned RC/Rural Conservation, RA/Rural Agriculture, I-1/Industrial or I-2/Industrial and also if located on a property line adjacent to property zoned RC/Rural Conservation, RA/Rural Agriculture, I-1/Industrial or I-2/Industrial, then the Board of Zoning Appeals may reduce this setback requirement by approval of a special permit.
7. Houses, sheds, pens and other similar structures on lots of ~~two~~ **five** acres or less for the housing of livestock shall be **a maximum of 150 square feet in footprint area and** set back 25 feet from the side and rear lot lines and not permitted in any required minimum front yard ;
8. The following regulations shall apply to the location of all accessory structures or uses except those specifically set forth in Paragraphs 1- 7 above.
 - A. An accessory structure or use, no part of which exceeds seven (7) feet in eight, may be located in any part of any side or rear yard, except as qualified in Section 2-505.
 - B. No accessory structure or use shall be located in any required minimum front yard, except fences which do not exceed five feet in height, statues, arbor, trellis or flagpole, gate and gate posts.
 - C. No accessory structure or use which exceeds seven (7) feet in height shall be located in any required minimum side yard except as may be expressly permitted by a variance granted in accordance with the provisions of Part 4 of Article 13.

- D. No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to any lot line in the rear yard except as may be expressly permitted by a variance granted in accordance with the provisions of Part 4 of Article 13.
- E. On a corner lot, the rear line of which adjoins a side lot line of a lot to the rear, no accessory structure or use which exceeds seven (7) feet in height shall be located: (1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the required minimum side yard on such lot to the rear, or, (2) Nearer to the side street line than a distance equal to the required front yard on the lot to the rear.

PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES – OPEN SPACE

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 2-309 to require a portion of Open Space to be utilized for a 100-foot buffer adjacent to parcels zoned Rural Agriculture (RA), Rural Conservation (RC) and Village (V). Todd Benson, Assistant Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 2-309 TO ESTABLISH 100 FOOT BUFFERS OF RESIDENTIAL USES, IN SUBDIVISIONS REQUIRING OPEN SPACE, FROM CONSERVATION DISTRICTS (RC), AGRICULTURE DISTRICTS (RA), RURAL RESIDENTIAL DISTRICTS (RR-2), AND RESIDENTIAL-VILLAGE DISTRICTS (V)

WHEREAS, on July 28, 2005, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors with a unanimous vote recommending its adoption; and

WHEREAS, on September 8, 2005, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of September 2005, That Section 2-309 of the Fauquier County Zoning Ordinance be amended as follows:

2-309 Open Space

The open space requirements presented for a given zoning district shall be considered as a minimum, and such open space shall be located on the same lot as the primary use or structure, except as specifically provided otherwise in this Ordinance. Open space requirements shall be expressed as a percentage of the gross area of the lot. In the Agriculture and Conservation Zoning Districts where the open space requirement is dependent upon site specific considerations, the open space requirement determined by the Board in conjunction with a special exception shall be considered as a minimum. No part of the open space in any development shall be subsequently reduced below the minimum requirements of this Ordinance. The computation of open space areas shall be based on the following rules:

1. In cases where the balance of land not contained in lots and streets is needed by the County for school sites, parks, recreational areas or stream valleys and such land is suitable in location, size, shape, condition and topography for such purposes as determined by the Commission using the Comprehensive Plan as a guide, then such land shall be deeded to the County for such purposes. Such land shall be referred to as dedicated open space, and shall be given full credit in satisfying the open space requirements for a given district.
2. In cases where the balance of land not contained in lots and streets is not needed by the County for such purposes as set forth in Paragraph 1, then the Commission may approve such lands or parts thereof to be conveyed to a non-profit organization as provided for in Part 6 or to an individual as provided for in Part 7. Such land shall be referred to as common open space, or non-common open space, respectively, and shall be given full credit in satisfying the open space requirements for a given district.
3. At least twenty (20) percent of the area required to meet the open space requirements of a given district shall be lands other than those lying in a floodplain. In subdivision approved for cluster development, such lands outside the established floodplain shall be comprised of a contiguous parcel not less than one (1) acre in size having no dimensions less than fifty (50) feet. In cases where open space requirements exceed five (5) acres, a minimum of three (3) acres will be so located and shall have dimensions and topography as to be open space usable for active recreation.
4. Fifty (50) percent of the area which lies within a major utility easement or right-of-way may be calculated as open space, but only if the remaining rights of the easements or rights-of-way are dedicated for recreational or open space use. In no instance, however, shall lands which lie within a major utility easement or right-of-way represent more than thirty (30) percent of the total land area needed to satisfy the open space requirements for a given district. For the purpose of this Paragraph a major easement or right-of-way shall be located entirely outside a street right-of-way.

5. In no instance shall open space credit be given for lands which are included in or reserved for the right-of-way of any street, or for any public facility except as qualified in the paragraphs above.
6. **In subdivisions requiring open space, such open space shall be used to establish a 100 foot buffer adjacent to Conservation Districts (RC), Agriculture Districts (RA), Rural Residential Districts (RR-2), and Residential-Village Districts (V). However, the Planning Commission may modify this buffer requirement adjacent to Village Districts during subdivision approval, when it determines that the proposed development is architecturally compatible with the Village.**
7. ~~6.~~ In the administration of these provisions, the Commission shall have the authority to determine whether lands qualify as open space and the authority to determine whether such lands are dedicated open space, common open space or non-common open space.

PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES – FAMILY DWELLINGS

Postponed.

PROPOSED TEXT AMENDMENTS TO THE DESIGN STANDARDS MANUAL

A public hearing was held to consider recommended adoption of proposed Fauquier County Design Standards Manual – Chapters 1 (General Provisions), 2 (Stormwater Management) and 8 (Bonding and Surety). Rick Carr, Director of Community Development, summarized the proposed amendment, and recommends postponing action on the matter to allow for additional refinements. No one else spoke. The public hearing was closed. Mr. Graham moved to postpone a decision on the matter until the next regular meeting on October 13, 2005. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

PROPOSED AMENDMENT TO CHAPTER 8, ARTICLE XV, SPECIAL SERVICE DISTRICTS, TO ADD MOUNTAIN SHADE SUBDIVISION TO THE DISTRICT

A public hearing was held to consider a proposed amendment to Chapter 8, Article XV, to add additional parcels which constitute Mountain Shade Subdivision, to the Special Service District. The anticipated revenue from this levy is to be used to operate the street lights in the

Village of Marshall. Mr. Atherton summarized the proposed amendment. Joan Fries, Marshall District, spoke in support of the amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 8, ARTICLE XV, SPECIAL SERVICE DISTRICTS, SECTION 8-52, TO ADD MOUNTAIN SHADE SUBDIVISION TO THE DISTRICT

WHEREAS, on March 18, 2002, the Board of Supervisors established the Marshall Electric Power and Light Service District; and

WHEREAS, Mountain Shade Subdivision is contiguous to the Marshall Electric Power and Light District, but was not included within the District in 2002; and

WHEREAS, after due notice, the Board of Supervisors has held a public hearing to receive public comment upon a proposed amendment to the District to add Mountain Shade Subdivision to the District; now, therefore, be it

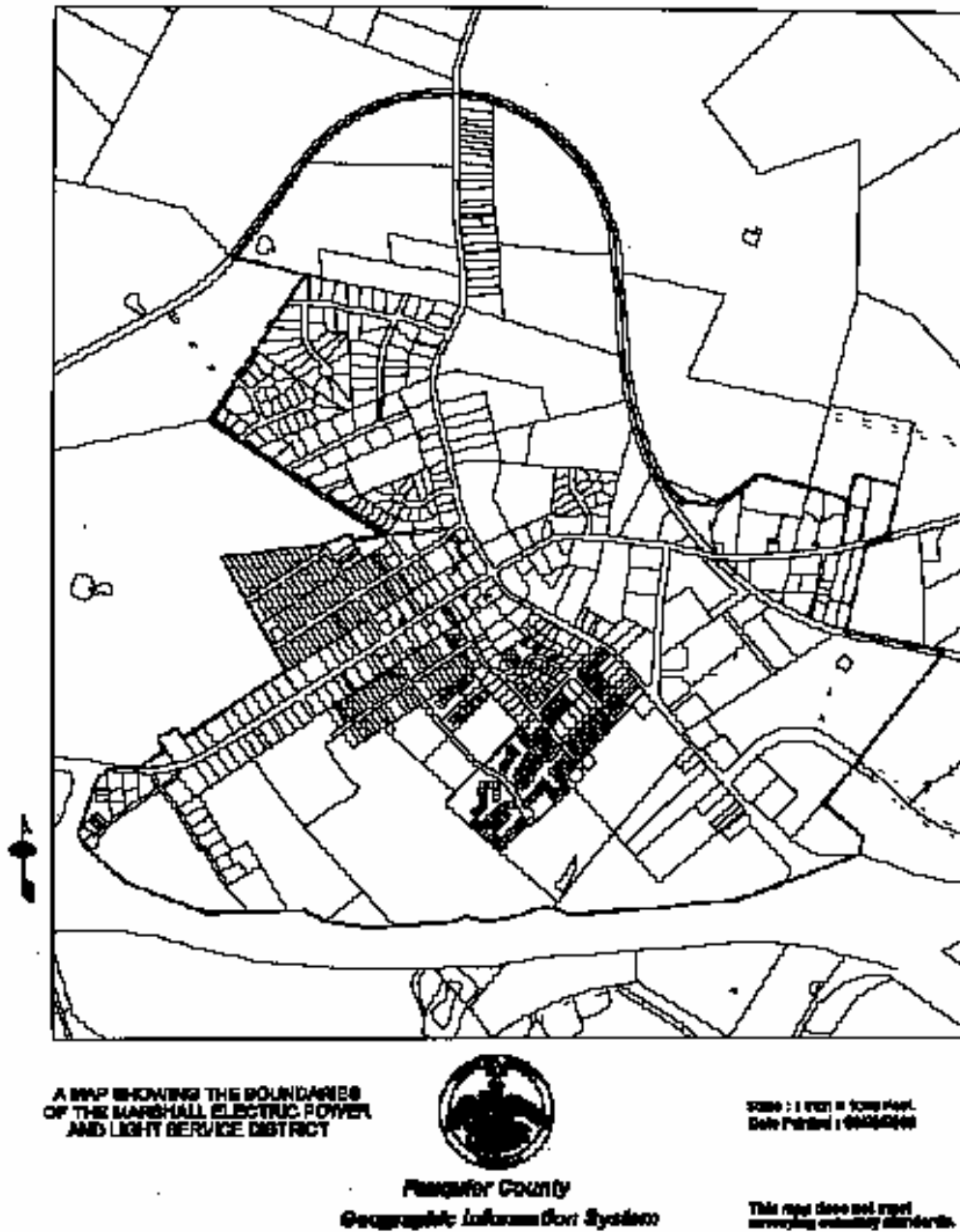
ORDAINED by the Fauquier County Board of Supervisors this 8th day of September 2005, That Section 8-52 of the Fauquier County Code be amended to incorporate the revised list of parcel identification numbers as follows, and to incorporate within the District a revised map dated August 29, 2005:

ARTICLE XV SPECIAL SERVICE DISTRICTS

Section 8-52. Creation, Purpose and Description of Marshall Electric Power and Light Service District.

1. The Marshall Electric Power and Light Service District be and is hereby established. The district shall be contained within the boundaries as set forth on the attached GIS map dated ~~March 11, 2002~~ August 29, 2005, and entitled "A Map Showing the Boundaries of the Marshall Electric Power and Light Service District," which map is incorporated herein and made a part hereof. The district shall contain all those parcels as identified on the GIS list of parcels located in the Marshall Electric Power and Light Service District and any successor parcels thereto, a copy of which list is incorporated herein and made a part hereof. No parcels or areas within the boundaries of the district are excluded.

Attachment: Revised parcel identification list and revised GIS map:



PIN

6969-87-3880-000
6060-50-3113-000
6969-77-1531-000
6060-61-5664-000
6969-76-1960-000
6969-99-2563-000
6969-99-4563-000
6969-59-3460-000
6969-77-0514-000
6969-47-6609-000
6969-58-7294-000
6969-67-8052-000
6969-67-6381-000
6969-58-9690-000
6969-37-6247-000
6969-77-0559-000
6969-68-9760-000
6969-78-1325-000
6969-69-2068-000
6969-68-1438-000
6969-59-8003-000
6969-67-9539-000
6969-78-2150-000
6969-37-8599-000
6060-61-5586-000
6969-69-2762-000
6969-77-1654-000
6969-37-9425-000
6969-68-1728-000
6969-68-6483-000
6969-69-6389-000
6969-59-0087-000
6969-68-8416-000
6969-77-0671-000
6969-47-2766-000
6969-66-8906-000
6060-61-0111-000
6969-68-0934-000
6060-61-1078-000
6969-57-1607-000
6969-89-9485-000
6969-88-9989-000
6969-77-5994-000
6969-68-4074-000
6969-58-8344-000

Current Taxable	771
Current Non Taxable	47
Current SCC Assessed	8
Mountain Shade Addition	27
Total Parcels	853

6060-62-5708-000
6969-66-7951-000
6969-67-7152-000
6969-99-1059-000
6060-70-4062-000
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6060-40-9610-000
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6060-40-6428-000
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6060-40-7616-000
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6060-40-8795-000
6060-40-8854-000
6060-40-7951-000
6060-40-6875-000
6060-40-6810-000

PROPOSED REVISION OF FAUQUIER COUNTY CODE SECTION 4-26

A public hearing was held to consider the revision of Fauquier County Code Section 4-26 pertaining to dangerous dogs, which reflects statutory amendments to the enabling legislation of the Code of Virginia (§ 3.1-796.93:1). Kevin Burke, County Attorney, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO AMEND SECTION 4-26 OF THE FAUQUIER COUNTY CODE PERTAINING TO DANGEROUS AND VICIOUS DOGS

WHEREAS, Section 3.1-796.93:1 of the Code of Virginia authorizes counties to adopt ordinances regulating dangerous dogs and vicious dogs; and

WHEREAS, the Board of Supervisors, after due notice and public hearing, has determined that it is in the best interest of the health, safety, and welfare of the citizens of Fauquier County to adopt this Ordinance; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 8th day of September 2005, That Section 4-26 of the Code of Fauquier County be, and is hereby, amended, which Sections shall read as follows:

Sec. 4-26. Dangerous or vicious dogs.

(a) Any animal warden who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate or the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal warden or owner shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal, if, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the ordinance. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Section 3.1-796.119 of the Code of Virginia, as amended.

(b) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

(c) The owner of any animal found by a court to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the animal warden for a fee of fifty dollars in addition to other fees that may be authorized by law. The local animal warden shall also provide the owner with a uniformly designed tag which identifies the animal as a

dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be reviewed annually for the same fee and in the same manner as the initial certificate was obtained.

(d) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, and (ii) that the animal is and will be confined in a proper enclosure, or is and will be confined inside the owner's residence, or is and will be muzzled and confined inside the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property, and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

(e) While on the property of its owner, an animal found by a court to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found by a court to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(f) If the owner of an animal found by a court to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(g) After an animal has been found by a court to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.

(h) The owner of any animal which has been found by a court to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class 1 misdemeanor.

(i) All fees collected pursuant to the ordinance, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund in the treasury of the county for the purpose of paying the expenses of any training course required under Section ~~3.1-796.105~~ 3.1-796.104:1 of the Code of Virginia, as amended.

(Ord. No. 05-____, 09-08-05)

State law references: Authority to control dangerous or vicious dogs, § 3.1-796.93.1.

PROPOSED REVISION OF FAUQUIER COUNTY CODE SECTIONS 13-1 AND 13-24

A public hearing was held to consider the revision of two sections of the Fauquier County Code Sections 13-2 and 13-24 pertaining to motor vehicles and traffic in order to comply with legislative changes to the enabling legislation of the Code of Virginia. Kevin Burke, County Attorney, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO AMEND SECTIONS 13-1 AND 13-24 OF THE FAUQUIER COUNTY CODE TO ESTABLISH PENALTIES FOR TRAFFIC AND MOTOR VEHICLE RELATED OFFENSES

WHEREAS, Section 46.2-1300.A of the Code of Virginia authorizes counties to adopt ordinances not in conflict with that title of the Code of Virginia to regulate the operation of vehicles on the highways in their locality; and

WHEREAS, the Board of Supervisors, after due notice and public hearing, has determined that it is in the best interest of the health, safety, and welfare of the citizens of Fauquier County to adopt this Ordinance; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 8th day of September 2005, That Sections 13-1 and 13-24 of the Code of Fauquier County be, and are hereby, amended, which Sections shall read as follows:

Sec. 13-1. Adoption of state law.

Pursuant to the authority of section 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the state contained in title 46.2 of the Code of Virginia, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated herein by reference and made applicable within the county. This Ordinance is effective from September 9, 2005. Any provision of the Code of Virginia incorporated herein by reference which is prior to the effective date of such state law shall become effective on the effective date of the state law. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the county to violate or fail, neglect or refuse to comply with any provision of title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia. For law enforcement purposes, the entire width between the boundary lines of all private road and streets as the same are set forth in the Fauquier County Official Street Name and Property Numbering Atlas, as well as all of the streets, roads, circles and courts within the Marsh Run Trailer Park and Vint Hill Farms Station are hereby designated highways, as the same is defined in section 46.2-100 of the Code of Virginia, 1950, as amended.

(Ord. No. 05-____, 09/08/05)

Sec. 13-24. Violations and penalties generally; compliance with chapter.

It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto. Every person convicted of a violation of any of the provisions of Article II of this chapter, and such violation does not constitute a felony, or who is convicted of violating any rule or regulation promulgated pursuant to this chapter, for which ~~se~~ no other penalty is provided, shall, for a first conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00); for a second such conviction within one year such person shall be punished by a fine of not more than five hundred dollars (\$500.00); for a third or subsequent conviction within one (1) year such person shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in jail for not more than thirty (30) days, or by both such fine and imprisonment. Every person convicted of a violation of any provision of Articles I, III, or IV of this chapter, and such violation does not constitute a felony, or who is convicted of violating any rule or regulation promulgated pursuant to this chapter, for which no other penalty is provided, shall for a first conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00); for a second or subsequent conviction within one year such person shall be punished by a fine of not more than two hundred fifty dollars or the maximum amount authorized under Code of Virginia § 18.2-11, as amended, for Class 4 misdemeanors, whichever is greater.

(Ord. No. 05-____, 09/08/05)

SPECIAL EXCEPTION #SPEX05-MA-034 – FAUQUIER COUNTY BOARD OF SUPERVISORS, OWNER, AND SALEM COMMUNITY MONTESSORI SCHOOL, APPLICANT – SALEM COMMUNITY MONTESSORI SCHOOL

A public hearing was held to consider an application to obtain Special Exception approval under Category 5 to operate a Montessori School in a meeting room at the Marshall Community Center. The property is located on the east side of Route 710 at 4133-A Rectortown Road, in Marshall District. (PIN #6969-69-5734-000). Mr. Atherton summarized the proposed amendment. Arthur McKinney, Marshall District, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SALEM COMMUNITY MONTESSORI SCHOOL SPEX05-MA-034, A CATEGORY 5 SPECIAL EXCEPTION REQUESTING TO OPERATE A MONTESSORI SCHOOL

WHEREAS, the Salem Community Montessori School, applicant, is seeking Special Exception approval to operate a Montessori School in a (leased) meeting room at the Marshall Community Center; and

WHEREAS, on August 25, 2005, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended approval of the application, subject to conditions; and

WHEREAS, on September 8, 2005, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-504 and; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of September 2005, That SPEX05-MA-034 be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with this application, as qualified by these development conditions.
3. The Site Plan requirement shall be waived.
4. No new structures shall be constructed.
5. The elementary school shall not exceed thirty (30) students.
6. This approval allows the Salem Community Montessori School (SCMS) to operate, September through June, five consecutive years, 2005-2010, Monday through Friday.
7. SCMS shall obtain an appropriate lease agreement with Fauquier County Parks and Recreation Department for use of the facility.
8. Hours of operation shall be: Monday – Thursday from 7:00 a.m. to 4:30 p.m., and Friday 7:00 a.m. to 3:30 p.m. Closures will coincide with all government holidays in addition to other organizational holidays.

9. SCMS will not provide before or after school care for children during its tenancy at the Marshall Community Center.
10. A certified Montessori instructor (AMI certified) shall be present during school hours.
11. There will always be at least two (2) adults present employed by SCMS to provide on site supervision for the children, from 8:00 a.m. until 4:00 p.m.
12. Children will be escorted by an adult at all times, including but not limited to the playground, bathroom and library. SCMS shall use specific procedures and guidelines for adults to follow when accompanying students in all areas of the community center. A copy of these procedures shall be submitted to the County for the project file.
13. Two (2) adults shall escort children when using the playground.
14. The SCMS program shall adhere to the guidelines as set forth by the Association Montessori International.
15. The school shall provide evidence of appropriate insurance (full liability policy) when signing the lease to use the Marshall Community Center.
16. SCMS shall have an emergency policy that includes emergency forms to be signed by parents and/or legal guardians that provide details regarding emergency care. A copy of this document shall be submitted to the County for the project file.
17. SCMS shall have a written emergency plan in case of accident, fire, snow, or other unforeseen occurrence. This includes an emergency call plan, posted evacuation maps, written procedures, and practice drills as mandated by state and county codes. A copy of this document shall be submitted to the County for the project file.
18. No food preparation or lunch service shall be offered. Students shall bring packed lunches.
19. Accreditation by Association Montessori International (AMI) shall be maintained.

VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) LOAN

A public hearing was held on the proposed issuance of general obligation school bonds of Fauquier County in the estimated maximum principal amount of \$13,210,000. The purpose of the proposed bonds is to finance capital projects for public schools, including without limitation, Claude Thompson Elementary School, Cedar Lee Middle School, and Liberty High School. Vivian McGettigan, Finance Director, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolutions. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, Fauquier County, Virginia (the "Borrower"), intends to undertake various capital improvements for or on behalf of the County's public school system located in Fauquier County, including without limitation Claude Thompson Elementary Renovation, Cedar Lee Middle School Library Expansion, and Liberty High School HVAC modifications (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt, in an amount not currently expected to exceed \$12,180,000 to pay the costs of the Project.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after July 8, 2005, which date is no more than 60 days prior to the date hereof. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the

Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. The Borrower intends that the adoption of this resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
7. This resolution shall take effect immediately upon its passage.

Adopted September 8, 2005.

; and

RESOLUTION

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS, SERIES 2005A, OF THE COUNTY OF FAUQUIER, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$12,180,000 TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the “Board”) of the County of Fauquier, Virginia (the “County”), has determined that it is necessary and expedient to borrow a principal amount not to exceed \$12,180,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

WHEREAS, the County has held a public hearing, duly noticed, on September 8, 2005, on the issuance of the Bonds (as hereinafter defined) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the “Virginia Code”); and

WHEREAS, the School Board of the County has, by resolution adopted on July 11, 2005, requested the Board to authorize the issuance of the Bonds and consented to the issuance of the Bonds; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$12,180,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority (the "VPSA") in connection with the sale of the Bonds; and

WHEREAS, the VPSA's objective is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Bonds relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of the VPSA's bonds; and

WHEREAS, such factors may result in the Bonds having a purchase price other than par and consequently (i) the County may have to issue a principal amount of Bonds that is less than the Proceeds Requested but in no case greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Bonds set forth in Section 1 below does not exceed the Proceeds Requested by at least the amount of any discount the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAUQUIER, VIRGINIA:

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$12,180,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes, including without limitation, the projects described in Exhibit B. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of the VPSA to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, either of whom may act, that is substantially equal to the Proceeds Requested, except that the Bonds may be sold for a purchase price not lower than 95% of the Proceeds Requested if issuing the Bonds in the maximum principal amount authorized by Section 1 of this Resolution is insufficient, given the VPSA Purchase Price Objective and market conditions, to generate an amount of proceeds substantially equal to the Proceeds Requested. The Chairman of the Board and the County Administrator, either of whom may act, and such officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to enter into a Bond Sale Agreement dated as of September 28, 2005 (the "Bond Sale Agreement"), with the VPSA providing for the sale of the Bonds to the VPSA. The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing the Bond Sale Agreement, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

3. Details of the Bonds. The Bonds shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2005A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2006 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts as determined by the County Administrator (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. Interest Rates and Principal Installments. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed five and thirty-five one-hundredths percent (5.35%) per annum. The Interest Payment Dates are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates at the request of the VPSA and to accept the Principal Installments requested by the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution and provided further that the final maturity of the Bonds occurs no later than December 31, 2025. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted by the County Administrator as authorized by this Resolution.

5. Form of the Bonds. The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) SunTrust Bank, Richmond, Virginia, is designated as bond registrar and payment agent for the Bonds (the "Bond Registrar"). The County may, in its sole discretion, replace at any time the Bond Registrar with another qualified bank or trust company as successor Bond Registrar.

7. Prepayment or Redemption. The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2015, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2015, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2015, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2015, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2015, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2015, through July 14, 2016	101.0%
July 15, 2016, through July 14, 2017	100.5
July 15, 2017, and thereafter	100.0

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

8. Execution of the Bonds. The Chairman or Vice Chairman of the Board, either of whom may act, and the Clerk of the Board or any Deputy Clerk, either of whom may act, are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. Use of Proceeds Certificate and Certificate as to Arbitrage. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate, each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the

Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct the Director of Finance of the County to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing such Proceeds Agreement, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

12. Continuing Disclosure Agreement. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute a Continuing Disclosure Agreement, substantially in the form attached as Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. Further Actions. The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Fauquier, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on September 8, 2005, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. Members present at the meeting were: Mr. Raymond E. Graham,

Chairman; Mr. Harry F. Atherton, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling. Members absent from the meeting were: None. Members voting in favor of the foregoing resolution were: Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling. Members voting against the foregoing resolution were: None. Members abstaining from voting on the foregoing resolution were: None.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of Fauquier, Virginia, this 8th day of September, 2005.

Paul S. McCulla
Clerk, Board of Supervisors of the County
of Fauquier, Virginia

[SEAL]

EXHIBIT A
(FORM OF TEMPORARY BOND)

NO. TR-1

\$ _____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF FAUQUIER
General Obligation School Bond
Series 2005A

The **COUNTY OF FAUQUIER, VIRGINIA** (the “County”), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** the principal amount of _____ DOLLARS (\$_____), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 2006, and annually on July 15 thereafter to and including July 15, 2025 (each a “Principal Payment Date”), together with interest from the date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year, commencing on July 15, 2006 (each an “Interest Payment Date”; together with any Principal Payment Date, a “Payment Date”), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond, _____, _____, _____, or any successor appointed by the County, as bond registrar and paying agent (the “Bond Registrar”), shall make all payments of principal of and premium, if any, and interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date

or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal of and premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next preceding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the County Board of Supervisors authorizing the issuance of the Bonds provides, and Section 15.2-2624, Code of Virginia 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of and premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia 1950, as amended, and resolutions duly adopted by the County Board of Supervisors and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority, at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, and having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 2015, and the definitive Bonds for which this Bond may be exchanged that mature on or before July 15, 2015, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due after July 15, 2015, and the definitive Bonds for which this Bond may be exchanged that mature after July 15, 2015, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2015, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2015, through July 14, 2016	101.0%
July 15, 2016, through July 14, 2017	100.5
July 15, 2017, and thereafter	100.0

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Fauquier, Virginia, has caused this Bond to be issued in the name of the County of Fauquier, Virginia, to be signed by its Chairman or Vice Chairman, its seal to be affixed hereto and attested by the signature of its Clerk of the Board or any of its Deputy Clerks, and this Bond to be dated _____, 2005.

COUNTY OF FAUQUIER, VIRGINIA

(SEAL)
ATTEST:

Clerk, Board of Supervisors, County of
Fauquier, Virginia

Chairman, Board of Supervisors, County
of Fauquier, Virginia

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE: _____

the within Bond and irrevocably constitutes and appoints

_____ attorney to exchange said Bond
for definitive bonds in lieu of which this Bond is issued and to register the transfer of such
definitive bonds on the books kept for registration thereof, with full power of substitution in the
premises.

Date: _____

Signature Guaranteed:

(NOTICE: Signature(s) must be
guaranteed by an "eligible guarantor
institution" meeting the requirements
of the Bond Registrar which
requirements will include Membership or
participation in STAMP or such other "signature
guarantee program" as may be determined by
the Bond Registrar in addition to, or in substitution for,
STAMP, all in accordance with the Securities Exchange
Act of 1934, as amended.

Registered Owner
(NOTICE: The signature above
must correspond with the name
of the Registered Owner as it
appears on the front of this
Bond in every particular,
without alteration or change.)

D R A F T

EXHIBIT B

PROJECT DESCRIPTION

The project includes Claude Thompson Elementary School renovations, the Cedar Lee Middle School Library project and the Liberty High School heating, ventilation, and air conditioning system upgrade.

With no further business, the meeting was adjourned at 8:33 PM, to reconvene on September 23, 2005 at 10:00 AM, for the groundbreaking of the Northern Sports Field Complex project in Marshall, Virginia.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on September 8, 2005.

Paul S. McCulla
Clerk to the Board of Supervisors